

IT IS ORDERED as set forth below:



Date: August 6, 2021

Susan D. Barrett

United States Bankruptcy Judge
Southern District of Georgia

**UNITED STATES BANKRUPTCY COURT
Southern District of Georgia**

In re:
NEAL C. FRITZ JR.

Case No.: **20-10969-SDB**

Judge: **Susan D. Barrett**

Chapter: **13**

Debtor(s)

**ORDER ON MOTION FOR RELIEF FROM STAY
(Official Local Form B-55)**

MOVANT: **SELENE FINANCE LP**

SUBJECT PROPERTY: **3914 Ruth Street, Augusta, GA 30909**

After notice and a hearing the Motion is ordered:

☐ **Granted**

☐ The Trustee will discontinue distribution on the movant's claim and reduce movant's claim to the amount paid if no amended claim is filed within _____ days of this order.

☐ The Trustee shall reduce movant's claim relating to this collateral to the amount paid. Movant is granted leave to seek allowance of a deficiency claim, if appropriate.

☐ Continued to _____ at _____ ☐ am ☐ pm

☐ Continued. The Motion will not be reassigned until a minimum of seven (7) days after Movant files and serves a Request for Assignment of Continued Hearing. That request shall not be filed until discovery is complete, including, if applicable, providing a post-petition payment history to opposing counsel.

☐ Denied.

☒ Denied on the condition that:

☒ The Debtor shall make timely post-petition payments to Movant as required by the Chapter 13 plan.

☒ The Debtor shall tender payments to Movant or take other action as follows:

Post-petition arrearage is \$3,607.66 through the 7/1/2021 payment due date, plus attorney's fees of \$400.00 and court costs of \$181.00 for a total arrearage of \$4,188.66.

☒ Debtor shall pay to Movant the sum of: \$2,000.00 on or before 8/1/2021 which sum shall be applied to the above-referenced total arrearage.

☒ Debtor shall cure the foregoing arrearage in full by making additional monthly payments to the Movant in the sum of \$364.77 per month beginning 8/15/2021 and continuing on the 15th day of each successive month thereafter, with a final additional payment of \$364.75 being due on or before 1/15/2022.

☒ Debtor shall recommence making regular monthly payments to Movant, as same come due under the applicable loan documents, including any insurance premiums which may come due thereunder, (subject to adjustment if provided in the contract) beginning 8/1/2021, and maintain current monthly payments thereunder for the pendency of this case. All payments must include the last four digits of the account number _____ and shall be sent to the following address, depending on the type of payment:

same as monthly billing statement

STRICT COMPLIANCE IS ORDERED as follows:

☒ That in the event the debtor fails to comply with the terms of this order, the movant, through its attorney of record, may file an affidavit establishing the default, served upon the debtor and debtor's attorney. Upon the expiration of fourteen (14) days without the filing of a counter-affidavit by the debtor disputing the fact of default, an order will be entered lifting the automatic stay, ~~converting the case to a Chapter 7~~ or dismissing the case without further motion, notice or hearing.

☒ The strict compliance provision of this Order shall expire on 2/1/20 22.

☒ Other provisions:

In the event relief is granted, Movant's claim shall be reduced to the amount paid with the right to file a deficiency claim, if appropriate; the provisions of Rule 4001(a)(3) shall be waived; and Movant and Trustee shall be relieved from complying with the provisions of Rule 3002.1 in the instant bankruptcy case prospectively from the date relief is granted.

In the event that stay relief is granted and the subject property is liquidated, any proceeds remaining after satisfaction of liens, encumbrances and costs of sale shall be paid over to the Chapter 13 trustee for distribution to unsecured creditors.

Debtor shall have a 10 day right to cure any default hereunder.

NOTE TO COUNSEL: THE COURT REQUIRES ANY FORM MODIFICATIONS AND/OR NONCONFORMING TERMS TO BE PLACED IN THE "OTHER PROVISIONS" SECTION ABOVE, OR ON A SEPARATE PAGE.

[END OF DOCUMENT]

/s/ Nathan Huff

Attorney for Movant

Nathan Huff

Name (print)

773811

GA Bar No.

Attorney for Respondent/Debtor

JANE E. MILLER

Name (print)

445820

GA Bar No.

Debtor

Name (print)

Trustee

Jane E. Miller – GA Bar # 256304

Name (print)

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